

1 AMENDMENT TO HOUSE BILL 1887

2 AMENDMENT NO. _____. Amend House Bill 1887, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Lead Poisoning Prevention Act is amended
6 by changing Sections 8, 9, 9.1, 11.2, and 12 as follows:

7 (410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

8 Sec. 8. Inspection of buildings occupied by a person
9 screening positive. A representative of the Department, or
10 delegate agency, shall may, after notification that an
11 occupant of a the dwelling unit ~~in-question~~ is found to have
12 a blood lead value of the value set forth in Section 7, upon
13 presentation of the appropriate credentials to the owner,
14 occupant, or his representative, inspect the dwelling unit ~~or~~
15 ~~dwelling--units~~, at reasonable times, for the purposes of
16 ascertaining that all surfaces accessible to children are
17 intact and in good repair, and for purposes of ascertaining
18 the existence of lead bearing substances. The Such
19 representative of the Department, or delegate agency, may
20 remove samples or objects necessary for laboratory analysis
21 and ~~in~~ the determination of the presence of lead-bearing
22 substances ~~in-the-designated-dwelling-or-dwelling-unit~~.

1 Following the inspection, the Department or its delegate
2 agency shall:

3 (1) Prepare an inspection report which shall:

4 (A) State the address of the dwelling unit.

5 (B) Describe the scope of the inspection, the
6 inspection procedures used, and the method of
7 ascertaining the existence of a lead bearing substance in
8 the dwelling unit.

9 (C) State whether any lead bearing substances were
10 found in the dwelling unit.

11 (D) Describe the nature, extent, and location of
12 any lead bearing substance that is found.

13 (E) State either that a lead hazard does exist or
14 that a lead hazard does not exist. If a lead hazard does
15 exist, the report shall describe the source, nature and
16 location of the lead hazard. The existence of intact
17 lead paint does not alone constitute a lead hazard for
18 the purposes of this Section.

19 (F) Give the name of the person who conducted the
20 inspection and the person to contact for further
21 information regarding the inspection and the requirements
22 of this Act.

23 (2) Mail or otherwise provide a copy of the inspection
24 report to the property owner and to the occupants of the
25 dwelling unit. If a lead bearing substance is found, at the
26 time of providing a copy of the inspection report, the
27 Department or its delegate agency shall attach an
28 informational brochure.

29 (Source: P.A. 87-175; 87-1144.)

30 (410 ILCS 45/9) (from Ch. 111 1/2, par. 1309)

31 Sec. 9. Procedures upon determination of lead hazard.

32 (1) If the inspection report identifies a lead hazard,
33 the Department or delegate agency shall serve a mitigation

1 notice on the property owner that the owner is required to
 2 mitigate the lead hazard, and shall indicate the time period
 3 specified in this Section in which the owner must complete
 4 the mitigation. The notice shall include information
 5 describing mitigation activities which meet the requirements
 6 of this Act.

7 (1.5) If the inspection report identifies a lead hazard
 8 in a multi-unit building and the affected occupant is a child
 9 under 6 years of age or a pregnant woman, the Department or
 10 delegate agency may also inspect the other dwelling units and
 11 the common areas of the building. If a lead hazard is
 12 identified in the building in one or more other dwelling
 13 units, the Department or delegate agency shall provide the
 14 property owner and any affected tenants of those other
 15 dwelling units a copy of the inspection report.

16 (2) Upon receipt of a mitigation notice ~~If--the~~
 17 ~~inspection-report-identifies-a-lead-hazard,~~ the owner shall
 18 mitigate the lead hazard in a manner prescribed by the
 19 Department and within the time limit prescribed by this
 20 Section. The Department shall adopt rules regarding
 21 acceptable methods of mitigating a lead hazard. If the
 22 source of the lead hazard identified in the inspection report
 23 is lead paint or any other leaded surface coating, the lead
 24 hazard shall be deemed to have been mitigated if:

25 (A) the surface identified as the source of the
 26 hazard is no longer in a condition that produces a
 27 hazardous level of leaded chips, flakes, dust or any
 28 other form of leaded substance, that can be ingested or
 29 inhaled by humans, or;

30 (B) ~~if~~ the surface identified as the source of the
 31 hazard is accessible to children and could reasonably be
 32 chewed on by children, the surface coating is either
 33 removed or covered, the surface is removed, or the access
 34 to the leaded surface by children is otherwise prevented

1 as prescribed by the Department.

2 (3) Mitigation activities which involve the destruction
3 or disturbance of any leaded surface shall be conducted by a
4 licensed lead abatement contractor using licensed lead
5 abatement workers. The Department may prescribe by rule
6 mitigation activities that may be performed without a
7 licensed contractor or worker. The Department may, on a case
8 by case basis, grant a waiver of the requirement to use
9 licensed lead abatement contractors and workers, provided the
10 waiver does not endanger the health or safety of humans.

11 (4) The Department shall establish procedures whereby an
12 owner, after receiving a mitigation notice under this
13 Section, may submit a mitigation plan to the Department or
14 delegate agency for review and approval.

15 (5) When a mitigation notice is issued for a dwelling
16 unit inspected as a result of an elevated blood lead level in
17 a pregnant woman or a child, or if the dwelling unit is
18 occupied by a child under 6 years of age or a pregnant woman,
19 the owner shall mitigate the hazard within 30 days of
20 receiving the notice; otherwise, the owner shall complete the
21 mitigation within 90 days.

22 In accordance with Section 9.1 of this Act, the owner
23 shall make available to any tenant or prospective tenant a
24 copy of the inspection report or mitigation notice issued by
25 the Department or delegate agency for a dwelling in a
26 multi-unit building. The notice shall also be made prior to
27 occupancy by a new tenant. The owner shall also make
28 available any subsequent documentation that specifies if the
29 lead-bearing substances or lead hazards have been mitigated
30 or abated and copies of any lead dust sample results
31 collected in the affected dwelling unit or common area. The
32 owner must complete the mitigation of any lead hazards in a
33 multi-unit building no later than one year after the
34 mitigation order by the Department or delegate agency, unless

1 the owner is granted an extension as provided in subsection
2 (6).

3 (6) An owner may apply to the Department or its delegate
4 agency for an extension of the deadline for mitigation. If
5 the Department or its delegate agency determines that the
6 owner is making substantial progress toward mitigation, or
7 that the failure to meet the deadline is the result of a
8 shortage of licensed abatement contractors or workers, or
9 that the failure to meet the deadline is because the owner is
10 awaiting the review and approval of a mitigation plan, the
11 Department or delegate agency may grant an extension of the
12 deadline.

13 (7) The Department or its delegate agency may, after the
14 deadline set for completion of mitigation, conduct a
15 follow-up inspection of any dwelling for which a mitigation
16 notice was issued for the purpose of determining whether the
17 mitigation actions required have been completed and whether
18 the activities have sufficiently mitigated the lead hazard as
19 provided under this Section. The Department or its delegate
20 agency may conduct a follow-up inspection upon notification
21 by the request of an owner or resident. If, upon completing
22 the follow-up inspection, the Department or its delegate
23 agency finds that the lead hazard for which the mitigation
24 notice was issued is not mitigated, the Department or its
25 delegate agency shall serve the owner with notice of the
26 deficiency and a mitigation order. The order shall indicate
27 the specific actions the owner must take to comply with the
28 mitigation requirements of this Act, which may include
29 abatement if abatement is the sole means by which the lead
30 hazard can be mitigated. The order shall also include the
31 date by which the mitigation shall be completed. If, upon
32 completing the follow-up inspection, the Department or
33 delegate agency finds that the mitigation requirements of
34 this Act have been satisfied, the Department or delegate

1 agency shall provide the owner with a certificate of
2 compliance stating that the required mitigation has been
3 accomplished.

4 (Source: P.A. 87-175; 87-1144.)

5 (410 ILCS 45/9.1) (from Ch. 111 1/2, par. 1309.1)

6 Sec. 9.1. Owner's obligation to give notice. An owner of
7 a dwelling unit or residential building who has received a
8 mitigation notice or inspection report under Section 9 of
9 this Act shall, before entering into a lease agreement for
10 the dwelling unit for which the mitigation notice or
11 inspection report was issued, provide prospective lessees of
12 that unit with written notice that a lead hazard has
13 previously been identified in the dwelling unit, ~~unless the~~
14 ~~owner has obtained a certificate of compliance for the unit~~
15 ~~under Section 9.~~ An owner may satisfy this notice
16 requirement by providing the prospective lessee with a copy
17 of the mitigation notice or inspection report prepared
18 pursuant to Section 9.

19 Before entering into a residential lease agreement, all
20 owners of residential buildings or dwelling units built
21 before 1978 shall give prospective lessees information on the
22 potential health hazards posed by lead in residential
23 dwellings by providing the prospective lessee with a copy of
24 an informational brochure approved prepared by the
25 Department. Within one year of the effective date of this
26 amendatory Act of 1992, owners of residential buildings or
27 dwelling units built before 1978 shall provide current
28 lessees with such brochure.

29 (Source: P.A. 87-1144.)

30 (410 ILCS 45/11.2) (from Ch. 111 1/2, par. 1311.2)

31 Sec. 11.2. Administrative action ~~Revocation of License.~~
32 Pursuant to the Illinois Administrative Procedure Act and

1 rules promulgated thereunder, the Department may deny,
2 suspend, or revoke any license if the Department finds
3 failure or refusal to comply with provisions of this Act or
4 rules promulgated pursuant to the Act.

5 The Department may assess civil penalties against any
6 licensed lead worker, licensed lead professional, licensed
7 lead contractor, or approved lead training provider for
8 violations of this Act and the rules promulgated hereunder,
9 pursuant to rules for penalties established by the
10 Department. Any penalties collected shall be deposited into
11 the Lead Poisoning Screening, Prevention, and Abatement Fund.
12 (Source: P.A. 87-1144.)

13 (410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

14 Sec. 12. Violations of Act.

15 (a) Violation of any Section of this Act other than
16 Section 7 shall be punishable as a Class A misdemeanor in the
17 case of a first offense, and a Class 4 felony in the case of
18 a second or subsequent offense.

19 (b) In cases where a person is found to have mislabeled,
20 possessed, offered for sale or transfer, sold or transferred,
21 or given away lead-bearing substances, a representative of
22 the Department shall confiscate the lead-bearing substances
23 and retain the substances until they are shown to be in
24 compliance with this Act.

25 (c) In addition to any other penalty provided under this
26 Act, the court in an action brought under subsection (d) may
27 impose upon any person who violates this Act or any rule
28 adopted under this Act, or who violates any determination or
29 order of the Department under this Act, a civil penalty not
30 exceeding \$2,500 for each violation plus \$250 for each day
31 that the violation continues.

32 Any civil penalties collected in a court proceeding shall
33 be deposited into a delegated county lead poisoning

1 screening, prevention, and abatement fund or, if no delegated
2 county exists, into the Lead Poisoning Screening, Prevention,
3 and Abatement Fund.

4 (d) The State's Attorney of the county in which a
5 violation occurs or the Attorney General may bring an action
6 for the enforcement of this Act and the rules adopted and
7 orders issued under this Act, in the name of the People of
8 the State of Illinois, and may, in addition to other remedies
9 provided in this Act, bring an action for an injunction to
10 restrain any actual or threatened violation or to impose or
11 collect a civil penalty for any violation.

12 (Source: P.A. 87-175.)

13 Section 10. The Environmental Protection Act is amended
14 by adding Section 22.28a as follows:

15 (415 ILCS 5/22.28a new)

16 Sec. 22.28a. White goods handled by scrap dealership or
17 junkyard.

18 (a) No owner, operator, agent, or employee of a junkyard
19 or scrap dealership may knowingly shred, scrap, dismantle,
20 recycle, incinerate, handle, store, or otherwise manage any
21 white good that contains any white good components in
22 violation of this Act or any other applicable State or
23 federal law.

24 (b) For the purposes of this Section, the term "white
25 goods" has the same meaning as in Section 22.28.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law."